

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HILARY REMIJAS, MELISSA FRANK,
DEBBIE FARNOUSH, and JOANNE KAO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

THE NEIMAN MARCUS GROUP, LLC, a
Delaware limited liability company,

Defendant.

Case No. 1:14-cv-01735

DECLARATION OF BRIAN DEVERY

I, Brian Devery, pursuant to section 1746 of title 28 of the United States Code, declare as follows:

1. I am a Project Manager with Angeion Group (“Angeion”), the claims administrator retained in this matter. Angeion’s office is located at 1801 Market Street, Suite 660, Philadelphia, PA 19103. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.
2. Angeion was appointed by the Court to serve as Settlement Administrator and to among other tasks, send Notice to class members via Email and USPS where applicable; establish and maintain a case specific website and email address; establish and maintain a toll-free hotline; respond to Class Member inquiries; and perform other duties as specified in the Settlement Agreement, following the Court’s June 21, 2017 Order Certifying a Settlement Class, Preliminarily Approving Class Action Settlement, and Directing Notice to the Settlement Class (Dkt. 154).
3. Angeion has administrated class action settlements involving millions of class members. A representative list of the settlements administered by Angeion is available at <http://www.angeiongroup.com/cases.htm>. Through the administration of the settlements referenced above, Angeion has received, processed and secured data from defendants and other sources. Angeion has analyzed settlement class member data including performing deduplication,

National Change of Address Searches (“NCOA”) and skip traces. Angeion has successfully implemented noticing campaigns involving direct mail notice, email notice, text noticing, printed media and digital media for millions of potential class members. Further, Angeion has analyzed and reported on class member data obtained through claim forms submitted via mail and through online claims filing, class member correspondence, objections to settlements, exclusion requests and other means. Angeion is experienced in the application of complex claim calculations and, where applicable, tax withholding and reporting, as required by federal, state, and local taxing authorities, as well as in reviewing settlement agreements and court orders. Angeion has been responsible for the management of Qualified Settlement Funds and has served as escrow agent for numerous settlement distributions

4. Angeion is not related to or affiliated with any of the attorneys comprising Class Counsel or counsel for Defendants.

Class List

5. On or about March 21, 2017, Angeion received from the Defendant Excel spreadsheets containing the individual transactions, names, mailing addresses, primary email address and secondary email addresses for Potential Class Members. Defendant provided one spreadsheet containing 383,048 rows of data for Potential Class Members who used a Neiman Marcus Credit Card and a second spreadsheet containing 437,393 rows of data for Potential Class Members who used a credit or debit card other than Neiman Marcus.

6. Angeion reviewed and combined the spreadsheets to compile them into a final Potential Class Member list (“Class List”) of 820,441 rows of data. Angeion located 14,496 non-residents and 68,598 duplicate class members. Non-resident potential class members were removed from the Class List and rows containing duplicate Potential Class Members were consolidated into a single record preserving and individual transaction identification for each record. The final Class List was comprised of 737,347 Potential Class Members.

Dissemination of the Settlement Notice

Email Notice

7. On July 21, 2017 Angeion caused the email notice to be sent via email to *both* the primary and secondary email addresses of Potential Class Members who had an email address listed in the data provided by Defendant. In total, 770,421 email notices were sent via email. A Copy of the email notice that was send is attached hereto as Exhibit “A”.
8. Of the emails sent, 186,821 emails were not delivered either due to bounce-backs, technical errors, invalid email addresses or ISP blocks.

Mailed Notice

9. Angeion, identified 54,648 Potential Class Members for whom the email address on the Class List appeared to be potentially invalid or was not present. On or about July 21, 2017, Angeion caused the mailing addresses information for these Potential Class Members to be updated utilizing the National Change of Address (“NCOA”) database, which provides updated addresses for all individuals who have moved during the previous four years and filed a change of address with the United States Postal Service (“USPS”). The postcard notice was mailed to these Class Members on the July 21, 2017.

10. On or about July 31, 2017, Angeion caused the address information to be updated utilizing the NCOA database for the 186,692¹ Potential Class Members for whom email notice was attempted but not successful. The postcard notice was mailed to these Class Members on the July 31, 2017. A Copy of the postcard notice that was send is attached hereto as Exhibit “B”.

Publication Notice

11. Angeion caused the Short Form Notice to be published in *People* Magazine in the July 31, 2017 edition. This edition was made available for sale to general public on July 31, 2017 and was delivered to in home subscribers on July 21, 2017. A copy of the publication is attached hereto as Exhibit “C”.

¹ Of the 186,821 undeliverable emails, 186,692 contained enough address information to perform an NCOA lookup and effectuate mailing utilizing the US Postal Service.

Internet Banner Notice

12. On July 21, 2017 Angeion caused the internet banner notice portion of the notice program to be implemented utilizing a 4-week desktop and mobile internet advertising campaign. The Internet Banner Notice utilized standard Interactive Advertising Bureau (“IAB”) sizes (160x600, 300x250, 728x90, 300x600, 320x50 and 300x50). The banner notice served approximately 4,208,095 impressions. A true and accurate copy of the banner advertisements is attached hereto as Exhibit “D”.

Settlement Website

13. On July 21, 2017, Angeion established the following website devoted to this Settlement: <http://www.NMSettlement.com>. The Settlement Website contains general information about the Settlement, allows Class Members to submit a Claim Form online, and contains Court documents (including the Long-Form Class Notice and the Settlement Agreement) and important dates and deadlines pertinent to this matter. The Settlement Website also has a “Contact Us” page whereby Class Members can contact Angeion via email to submit additional questions regarding the Settlement. Angeion worked with Class Counsel and counsel for Defendants to formulate the information provided on the Settlement Website.

Toll Free Number

14. On July 21, 2017, Angeion established the following toll-free telephone line: 844-412-4027. The toll-free line utilizes an interactive voice response (“IVR”) system to provide Class Members with responses to frequently asked questions and important information regarding the settlement. The toll-free line is accessible 24 hours a day, 7 days a week. As of August 21, 2017, the toll-free line has received 1,945 calls totaling 9,017 minutes.

Claim Form Submissions

15. Potential Class Members can file Claim Forms by mail or via an online portal on the Settlement Website. As of August 21, 2017, Angeion has received and processed approximately 13,872 Claims. The claim filing deadline in this case runs until January 17, 2018.

Requests for Exclusion and Objections

16. As of the date of this declaration, Angeion had received and processed 12 requests for exclusion. All requests for exclusion will be forwarded to the parties. Angeion has not received and has not been made aware of any objections to the Settlement. The deadline to request exclusion from the settlement or object is September 4, 2017. Angeion will forward any additional requests for exclusion and/or objections it receives to the parties on an ongoing basis.

Distribution and Remaining Tasks

17. The deadline for Class Members to file a request for exclusion or object to the Settlement is September 4, 2017. The deadline for Class Members to submit a Claim Form is January 17, 2018. Angeion will continue to accept and process requests for exclusion and Claim Forms (and will forward any objections received to the parties), reply to Class Member inquiries and perform the other administrative duties through the deadline dates. Angeion will also continue to maintain the Settlement Website and Toll-Free Number until they are to be discontinued under the terms of the Settlement Agreement, and keep the parties apprised of exclusion requests, objections and Claim Forms received, as well as any documentation received or postmarked after the deadline dates.

18. Upon the expiration of the deadlines, or upon the request from counsel, Angeion will provide a supplemental declaration updating the Court on the total number of requests for exclusion Angeion has received, objections Angeion has received or been made aware of, and the total number of Claim Forms received. Upon the issuance of a final order from this Court and the achievement of the Effective Date, Angeion will cause the distribution of Settlement benefits to take place in accordance with the terms of the Settlement Agreement or as otherwise directed by this Court.

19. Whereas the time for filing claims, exclusion requests and objections has not yet passed and the final number of participating class members is not yet determined, Angeion is unable to provide a definitive and accurate invoice for the total administration fees that will be incurred. As

of June 2017 the total amount of administration expenses incurred is \$279,549.55. Angeion does not anticipate that the total administration fees will exceed the initial estimate of \$400,000.

20. Angeion does not anticipate that any taxes will be owed by establishment of the Settlement Fund.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 21st day of August 2017 at Oakdale, NY.



Brian Devery

Exhibit A

From: DoNotReply@NMSettlement.com <administrator@qgemail.com>
Sent: 17 12:01 PM
To: [REDACTED]
Subject: [REDACTED] ction Settlement - Remijas et al. v. Neiman Marcus Group LLC Case No. 1:14-CV-01735

CLAIM NUMBER: NM26 [REDACTED]
CONFIRMATION CODE: 13 [REDACTED]

LEGAL NOTICE

If You Used A Credit Or Debit Card At A Neiman Marcus Group Store Between July 16, 2013 And January 10, 2014, You May Be Eligible To Receive Benefits From A Class Action Settlement.

To File a Claim, click [here](#).

Read this notice carefully, as it affects your rights.
For more information, visit www.NMsettlement.com or call 1-844-412-4027.

A proposed Settlement has been reached in a class action lawsuit involving Neiman Marcus Group LLC ("Neiman Marcus"). You may be entitled to a payment of up to \$100. The Settlement resolves litigation over an alleged Cybersecurity Incident involving malware that was successfully inserted into Neiman Marcus's system by hacker(s). Malware means the malicious software that was capable of collecting credit or debit card data from Neiman Marcus' computer system. The Parties have agreed to settle the Action in its entirety, without any admission of liability by Neiman Marcus. The case is known as *Hilary Remijas, Melissa Frank, Debbie Farnoush, and Joanne Kao v. The Neiman Marcus Group, LLC*, Case No. 1:14-CV-01735 (N.D. Ill.).

Who's included in the Settlement Class? The proposed Settlement Class includes all United States residents who held a credit or debit card account that was used in a Neiman Marcus Store at any time from July 16, 2013 to January 10, 2014. Neiman Marcus Store means stores at physical locations operating under the "Neiman Marcus", "Bergdorf Goodman", "Cusp", and "Last Call" names, but excluding all restaurants operating in any such stores, and excluding any website or online store.

What benefits does the Settlement provide? The Settlement provides for a Settlement Fund in the amount of up to \$1,600,000 to pay the Claims of Eligible Claimants, the costs to administer and give notice of the Settlement, taxes due on interest accrued on the Settlement Fund (if any), and any attorneys' fees and expenses and Class Representative Service Awards approved by the Court.

Each Eligible Claimant who submits a valid and timely Claim will receive a payment up to \$100. If the remaining amount is insufficient to pay all Eligible Claimants in full, the payments will be reduced on a *pro rata* basis. Eligible Claimants are the Settlement Class Members who held at least one credit or debit card used at a Neiman Marcus Store between July 16, 2013 and October 30, 2013, on a date and at a time that the Malware was operating in that Store.

How do I receive Settlement benefits? In order to receive monetary benefits under this Settlement, Settlement Class Members should complete and submit a Claim Form to the Settlement Administrator. To submit a claim form online, please [Click Here](#). The deadline for submitting Claim Forms is **January 17, 2018** if submitted online, or it must be postmarked by **January 17, 2018** if submitted by U.S mail to the Settlement Administrator at:

NM Settlement Administrator
1801 Market Street, Suite 660
Philadelphia, PA 19103.

Claim Forms can also be downloaded by [Clicking Here](#), by calling toll-free 1-844-412-4027, emailing the Settlement Administrator at NMSettlement@AdministratorClassAction.com, or by mailing a request to the Settlement Administrator.

Who represents me? The Court appointed the law firms of Ahdoot & Wolfson, P.C. and Morgan & Morgan as Class Counsel to represent the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

Your options. If you are included in the Settlement Class and do not submit a Claim Form, your rights will be affected and you may not receive any benefits from this Settlement. If you do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement by **September 4, 2017**, by following the instructions in the detailed Long Form Notice available by [Clicking Here](#) or you won't be able to sue, or continue to sue, Neiman Marcus about the legal claims in this case. If you do not exclude yourself, you may object to the Settlement by submitting a written objection by **September 4, 2017**, following the instructions in the detailed Long Form Notice available by [Clicking Here](#). The Settlement Agreement and other documents relevant to this case are available at the settlement website, www.NMSettlement.com.

The Final Approval Hearing. The Court will hold a hearing on **October 26, 2017, at 9:00 a.m.** to consider whether to approve the Settlement, award Class Counsel Attorneys' Fees and Expenses up to \$530,000, and award the four Class Representatives up to \$2,500 each for their service. If approved, these amounts will be deducted from the Settlement Fund. Please check www.NMSettlement.com for updates as the Court may continue the date of the hearing.

Want More Information? Call toll-free 1-844-412-4027, visit www.NMSettlement.com, or write to NM Settlement Administrator, 1801 Market Street, Suite 660, Philadelphia, PA 19103.

PLEASE DO NOT CONTACT THE COURT.

Call Toll-Free 1-844-412-4027
www.NMSettlement.com

Exhibit B

A proposed Settlement has been reached in a class action lawsuit involving Neiman Marcus Group LLC ("Neiman Marcus"). You may be entitled to a payment of up to \$100. The Settlement resolves litigation over an alleged Cybersecurity Incident involving malware that was successfully inserted into Neiman Marcus's system by hacker(s). Malware means the malicious software that was capable of collecting credit or debit data from Neiman Marcus' computer system. The Parties have agreed to settle the Action in its entirety, without any admission of liability by Neiman Marcus. The case is known as Hilary Remijas, Melissa Frank, Debbie Farnoush, and Joanne Kao v. The Neiman Marcus Group, LLC, Case No. 1:14-CV-01735 (N.D. Ill.).

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How do I receive Settlement benefits? In order to receive monetary benefits under this Settlement, Settlement Class Members should complete and submit a Claim Form to the Settlement Administrator. The deadline for submitting Claim Forms is **January 17, 2018** if submitted online via the Settlement Website www.NMSettlement.com, or must be postmarked by **January 17, 2018** if submitted by U.S mail to the Settlement Administrator at: NM Settlement

Administrator, 1801 Market Street, Suite 660, Philadelphia, PA 19103. Claim Forms can also be downloaded from www.NMSettlement.com, by calling toll-free 1-844-412-4027, emailing the Settlement Administrator at NMSettlement@AdministratorCalssAction.com, or by mailing a request to the Settlement Administrator.

Who represents me? The Court appointed the law firms of Ahdoot & Wolfson, P.C. and Morgan & Morgan as Class Counsel to represent the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

Your options. If you are included in the Settlement Class and do not submit a Claim Form, your rights will be affected and you may not receive any benefits from this Settlement. If you do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement by **September 4, 2017**, by following the instructions in the detailed Long Form Notice available at www.NMSettlement.com or you won't be able to sue, or continue to sue, Neiman Marcus about the legal claims in this case. If you do not exclude yourself, you may object to the Settlement by submitting a written objection by **September 4, 2017**, following the instructions in the detailed Long Form Notice available at www.NMSettlement.com. The Settlement Agreement and relevant documents are available at www.NMSettlement.com.

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LEGAL NOTICE

If You Used A Credit Or Debit Card At A Neiman Marcus Group Store Between July 16, 2013 And January 10, 2014, You May Be Eligible To Receive Benefits From A Class Action Settlement.

A federal court authorized this notice. This is not a solicitation from a lawyer.

For more information on the proposed settlement, how to file a claim or an objection, or how to exclude yourself, visit www.NMsettlement.com, or contact the Claims Administrator

Do not contact the Court, Neiman Marcus, or Neiman Marcus' Counsel about this notice or for information about the settlement *Hilary Remijas, Melissa Frank, Debbie Farnoush, and Joanne Kao v. The Neiman Marcus Group, LLC*, Case No. 1:14-CV-01735 (N.D. Ill.).

CLAIM NUMBER: NM255 [REDACTED]
CONFIRMATION CODE: 45 [REDACTED]



T1 P1 *****AUTO**MIXED AADC 190 1

MIL [REDACTED] LA [REDACTED]
PO BOX [REDACTED]
[REDACTED]



Exhibit C

Royal Tots
on Tour!

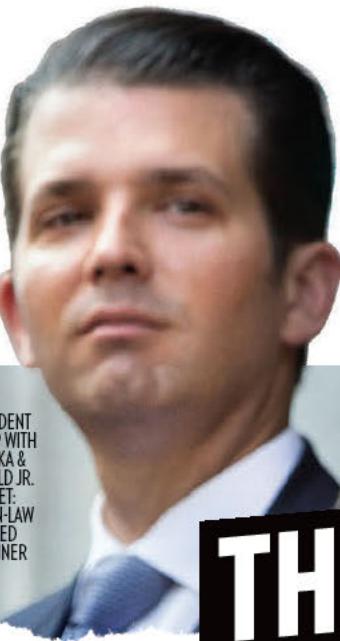


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Life after the Kardashians
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INSET:
SON-IN-LAW
JARED
KUSHNER

THE TRUMP FAMILY

SECRETS & LIES

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July 31, 2017

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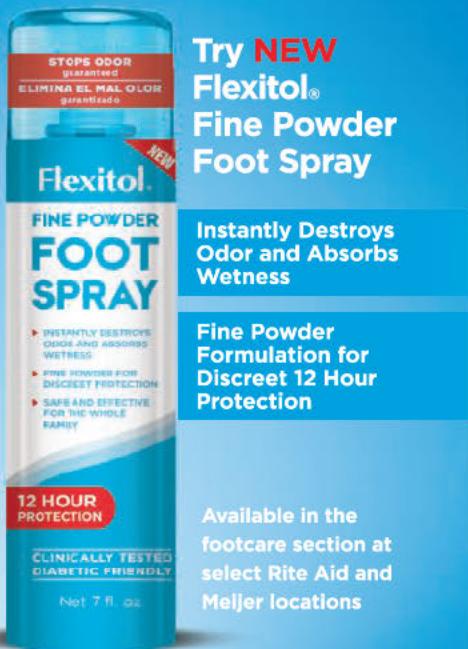


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Available in the
footcare section at
select Rite Aid and
Meijer locations

share a brotherly rapport. They also have a new appreciation for hot showers.

What was your favorite day on-set?

STYLES There were a couple when we were just out in the water all day that felt like they were the most rewarding when they were done. During, they were the worst days.

WHITEHEAD I find it really funny that [crew members] kept running in with warm coats, but we were covered with water. So, they'd give us these warm coats, and then we'd get the inside wet and then we'd put them back on and they'd be all slimy.

STYLES Yeah, [it was] freezing cold. We'd be out on the boats, and it'd be us and extras and stuntmen and stuff like that. It turned into everyone huddling together to stay warm. I think that kind of stuff was some of my favorite. It was pretty instinctive.

Did it give you a new perspective?

STYLES Yeah! I think it

gives you the perspective of someone who gets to take their uniform off and go home and shower and go to bed. The people who were [really] there didn't, and they were being shot at and slept in those clothes and woke up and did that stuff the next day. It gives you a newfound appreciation for ... showering for one.

WHITEHEAD The minute anyone complained, someone would pipe up, like, "Well, at least you weren't there." And then everyone would feel really bad and crawl away to a hole somewhere.

How did you spend your downtime?

STYLES I slept most of it. I'd say 90 percent of what wasn't filming I was asleep. I mastered the sleep-swim. I definitely fell asleep while floating [during filming] a couple times. It was nice, refreshing.

WHITEHEAD We both managed to find a way to fall asleep on demand. If there was a five-minute



When Harry Met Harry
Prince Harry
greeted Styles
at the July 13
premiere in London
after honoring
Dunkirk veterans.



break, we just turned over and zzz. I think you're the best at it, actually. I'm pretty good, but you're the best at falling asleep.

Fionn, do you have a favorite Harry Styles song?

WHITEHEAD I heard a bit of one. I don't know the name of it. I've heard your songs. I like them!

STYLES Thanks, man.

Thank you.

I guess this means that Harry isn't prone to break into song on-set?

WHITEHEAD I'm pretty sure you sang a bit on-set.

STYLES There's no chance!

WHITEHEAD You sang words, though. You didn't really sing songs. You just sort of sang "Hello!" or "Good morning!"

STYLES More of a spoken word.

Have you thought about your next steps?

STYLES I don't think so. This was such an amazing experience, and I feel very lucky to have been able to be a part of it. I don't think you can really think too far ahead with anything.

WHITEHEAD I just want to keep acting, reading scripts and seeing what I like.

Harry, would you do another movie?

STYLES I'd do this one again.

Dunkirk 2?

STYLES For sure.

WHITEHEAD *Dunkirk: The Return.*

STYLES I don't know if that's part of the story. ●



Surviving the Real-Life Dunkirk

In the spring of 1940, Allied troops were trapped on the French coast as the Germans advanced—but more than 338,000 were rescued, thanks to the British Navy and civilians who sailed to their aid in fishing boats and ferries. "It is very important that people know about it. There are very few of us left, and we have been through hell," says veteran Garth Wright, 97. With only the English Channel separating them from home, British soldiers were left defenseless as German planes strafed them. "I went up into the sand dunes instead of just lying on the beach and getting picked off," says Wright. The gunner survived by hitching a ride on a makeshift medic boat, but he faced reality when he got home. "I was the only one to survive of the boys I left with. We were a band of brothers."

—SIMON PERRY

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Call Toll-Free 1-844-412-4027
www.NMSettlement.com

Exhibit D

**IF YOU USED A
CREDIT CARD OR
DEBIT CARD AT A
NEIMAN MARCUS
GROUP STORE
BETWEEN JULY 16,
2013 AND JANUARY
10, 2014,
you may be eligible to
receive benefits from a
class action settlement.**

[CLICK HERE](#)
for more information.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on August 21, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court in the United States District Court for the Northern District of Illinois by using the CM/ECF system, which served copies on all interested parties registered for electronic service.

/s/ Tina Wolfson

Tina Wolfson